

MCB  
9/27/12  
9728

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

**Plaintiff**

v.

**Emilio LOZANO**

**Defendant**

12 SEP 27

AM 10:58

Magistrate Docket No. **12MJ3561**

COMPLAINT FOR VIOLATION OF:

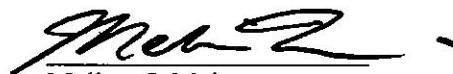
**TITLE 18 U.S.C. § 1542**

**False Statement in Application  
and Use of Passport (Felony)**

The undersigned complainant, being duly sworn, states:

On or about, April 12, 2011, within the Southern District of California, defendant, Emilio LOZANO, willfully and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant swore under oath he was a United States citizen, knowing full well that he was not a United States Citizen, in violation of Title 18, United States Code, Section 1542.

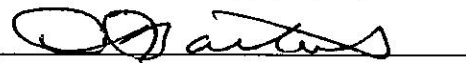
The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Melissa J. Main  
Special Agent  
U.S. Department of State  
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 27th day of September, 2012.



UNITED STATES MAGISTRATE JUDGE

DOA  
9/26/12

**PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS**

I, Melissa J. Main, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, California Resident Office. I have investigated or assisted in the investigation of numerous violations involving the false application for, false use and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Emilio LOZANO (hereinafter referred to as DEFENDANT) did knowingly and willfully apply for a passport by reason of any false statement and swore under oath that he was a United States citizen, knowing full well that he was not a United States Citizen. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1542, False Statement in Application.
3. On April 12, 2011, DEFENDANT executed an Application for a U.S. Passport (Form DS-11) # 610366063 and claimed he was a United States Citizen.
4. On April 12, 2011, DEFENDANT executed an Application for a U.S. Passport (Form DS-11) #610366063 by signing his name under oath beneath the following jurat: "*I declare under penalty of perjury that I am a United States citizen (or non-citizen national)... I declare under penalty of perjury that the statements made on this application are true and correct.*"
5. On September 26, 2012, DEFENDANT agreed to a voluntary interview with AFFIANT at his place of employment. During the voluntary interview, DEFENDANT admitted to being a Mexican national and was not a United States Citizen. DEFENDANT further stated that he was aware, at the time of executing the passport application (Form DS-11) # 610366063, that only United States Citizens were entitled to apply for a U.S. Passport. DEFENDANT finally admitted to signing a 2009 affidavit at the United States Consulate in Ciudad Juarez, Mexico, in which he stated he was not a United States Citizen and was informed of the consequences of claiming to be a United States Citizen in the future.

**Defendant Locator Form**

(Place behind the Magistrate Information Sheet of Court Copy)

**U.S. Department of State, Diplomatic Security Service  
San Diego Resident Office, 619-557-6194, f) 619-557-5919**Name of Defendant: LOZANO, Emilio DOB: 09/19/1973A-file #: \_\_\_\_\_ Charge: 18 USC 1542**MCC Information (619) 232-4311. Ext 430 (MCC Records)**Arrival Date at MCC: 09/26/2012 Time: 1230Booking Number: 37Transport Officer: SA mainStar #: 35143-298Receiving Official at MCC: CSO DARNELL, M.**Juvenile Hall Information (858) 694-4505 , or Booking (858) 694-4766**

Arrival Date at Juvenile Hall: \_\_\_\_\_ Time: \_\_\_\_\_

Booking Number: \_\_\_\_\_

Transport Officer: \_\_\_\_\_

Star #: \_\_\_\_\_

Receiving Official at Juvenile Hall: \_\_\_\_\_

**Hospitalized Defendants**

Name of Medical Center/Detox Unit: \_\_\_\_\_

Phone Number of Medical Center/Detox Unit: \_\_\_\_\_

Name of Person receiving Defendant: \_\_\_\_\_

Date of Hospitalization: \_\_\_\_\_ Time: \_\_\_\_\_

Reason for Hospitalization: \_\_\_\_\_

Room Number: \_\_\_\_\_

Phone number of Nurse's Station: \_\_\_\_\_

Expectant Date of Defendant's release from Hospital: \_\_\_\_\_